

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

January 24, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 24, 2002, at 1:00 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Jerry Michaelis, Chair (late arrival); Bud Hentzen, Vice-Chair; Ron Marnell; Don Anderson; John McKay, Jr.; Bill Johnson; Dorman Blake; Harold Warner; Elizabeth Bishop; Frank Garofalo; Ray Warren; Kerry Coulter (late arrival); James Barfield (late arrival) and David Wells (absent). Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Donna Goltry, Principal Planner; Jamsheed Mehta, Chief Planner, Transportation Planning; and Rose Simmering, Recording Secretary.

1. Approval of the MAPC minutes for December 20, 2001.

MOTION: That the minutes for December 20, 2001 be approved.

MCKAY moved, **WARNER** seconded the motion, and it carried unanimously (11-0).

2a. ZON2001-00071- Lawrence Edward & Winifred Mary Albert, Trustees, Lawrence Edward Albert Trust and Winifred Mary Albert Trust (owners); Austin Miller, Inc., c/o Kim Edgington (agent) request a Zone Change from "SF-20" Single-Family Residential to "LC" Limited Commercial, "GC" General Commercial, and "SF-5" Single-Family Residential; and

2b. CUP2001-00044 DP 257 - Lawrence Edward & Winifred Mary Albert, Trustees, Lawrence Edward Albert Trust and Winifred Mary Albert Trust (owners); Austin Miller, Inc., c/o Kim Edgington (agent) request the creation of Albert Farm C.U.P. on property described as:

The Northwest Quarter of the Northwest Quarter of Section 23, Township 27 South, Range 2 West of the 6th P.M. Sedgwick County, Kansas. Generally located at the southeast corner of 151st Street West and Central Avenue (4th Street North).

These associated applications were heard by the MAPC on 01-10-02 and continued to this meeting.

MOTION: To defer 2a and 2b to 2-21-02 at 1:00 p.m.

JOHNSON moved, **BLAKE** seconded the motion, and it carried unanimously (11-0).

3/1. SUB2001-130 – One-Step Final Plat of COLLEGE HILL SQUARE ADDITION, located on the southeast corner of Central and Hillside.

A. Municipal services are available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements. **No guarantees are needed.**

B. A temporary easement by separate instrument should be submitted to cover the existing sewer line to be relocated. A guarantee is also needed for the sewer relocation.

C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. A drainage easement needs to be denoted on the plat.**

E. **County/Traffic Engineering** needs to comment on the need for any improvements to perimeter streets. **No improvements are required.**

F. Access controls have been platted in accordance with the PUD approval. The plat proposes two access openings along both Hillside and Central, and one opening along Rutan. In accordance with the Subdivision regulations, any access openings located within 250 feet of the intersection of Central and Hillside are limited to right-turns only, and shall be referenced on the face of the plat; or a guarantee provided for the future construction of a raised medial. In accordance with the PUD approval, full turning movements are permitted for the northernmost opening along Hillside until the southern opening on Lot 5 is constructed. Following the development of Lot 5, only right turns are permitted for the northern opening. Said language or reference to the PUD shall be denoted on the plat.

G. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.

H. In accordance with the PUD approval, a cross-lot circulation agreement is needed to assure internal vehicular movement

between the lots.

- I. The opening along Hillside on the south line of the property shall permit cross-lot access for the benefit of the abutting property to the south, if and when said lot is developed for non-residential use. A restrictive covenant shall be provided addressing this condition. **The Subdivision Committee did not require cross-lot access.**
- J. A guarantee shall be provided for a sidewalk along Rutan.
- K. **Traffic Engineering** needs to comment on the need for additional right-of-way. The Subdivision Regulations require a 75-ft half street right-of-way at the intersection of arterials. The applicant has platted a triangular corner clip with a 60-ft right-of-way. **No additional right-of-way is needed.**
- L. Since the vacation of Third St. has created an off-site stub, a guarantee shall be provided for a hammerhead turnaround for the terminus of Holyoke.
- M. The 20-ft setback along Rutan does not conform with the 25-ft building setback line established by the PUD. If the proposed setback reduction is approved with this plat, an adjustment to the PUD will be needed.
- N. A PUD Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved PUD and its special conditions for development on this property.
- O. The year "2002" needs to replace "2001" within the signature blocks.
- P. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- Q. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **KGE requests additional easements. Any relocation or reconstruction of utilities shall be the responsibility of the applicant. Utilities will cross the wall easement.**
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

NEIL STRAHL Planning Staff, presented the staff report and indicated that staff was asking the applicant to provide for an access point between the applicant's property and the property immediately south of the application area, fronting Hillside, if the adjoining property is developed with a nonresidential use.

MEHTA Planning staff, described the location of existing and proposed driveways and medians.

PHIL MEYER, agent for the applicant, indicated they were not in favor of the driveways recommended by Planning staff.

Commissioners asked questions with regard to: the size of the adjoining land; was the adjoining parcel big enough for a building to be built; what is that parcel zoned; how many openings exist today; what was going to happen with the configuration of the PUD's internal circulation system; and if there was going to be a wall along the south property line?

MEYER indicated there were two access points to Hillside on the tract in question right now. Once the PUD is developed, the north entrance will be a right in and right out only. Lot 3 and Lot 5 will probably be developed together. When that develops, the parking lot is going to sit in the front, but because of a planned medial in the south driveway, the drive needs to be at the back of the lot. His client was concerned that allowing access to the south drive for development to the south would make it more difficult to get in and out of his development tract. He indicated he was satisfied with the Subcommittee's recommendations.

MARVIN KROUT, Director of Planning, pointed out that other office buildings on Hillside are developed with parking alongside instead of in front of the buildings, and that it was not unusual for the access to a lot adjoining a major driveway to be in the rear of that lot, beyond the end of the medial in the driveway. He inquired as to whether the applicant had undertaken a traffic analysis to demonstrate that the driveway could not accommodate the additional traffic from a small office building.

MEYER answered no.

Staff and the agent discussed if a traffic study was warranted.

MOTION: To approve per the recommendation of the Subdivision Committee.

WARREN moved, **BLAKE** seconded the motion, and it carried 11-2. (**BARFIELD** and **BISHOP** opposed).

BISHOP indicated she opposed the motion due to traffic concerns.

ZONING:

4/1. **VAC2001-00064** – Request to vacate a platted building setback and a platted utility easement.

OWNER/APPLICANT: City of Wichita c/o Public Works Department

AGENT: Law/Kingdon Inc. c/o Greg Wilhite

LEGAL DESCRIPTION: Utility easement (north part)
That part of the utility easement platted in Lot 1, Blk A, MTA Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner of said Lot 1; thence S86degrees40'30"W along the north line thereof 227.77 feet; thence S10degrees36'24"E, 10.08 feet for a point of beginning; thence S10degrees36'24"E along the west said line of utility easement 352.77 feet; thence S05degrees43'37"W along the west said utility easement, 184.80 feet to its intersection with the north line of a platted utility easement; thence S89degrees56'43"E along said north line 20.01 feet to its intersection with the east line of a platted utility easement; thence N05degrees43'37"E along said line, 185.68 feet; thence N10degrees36'24"W along the east line of a platted easement, 353.08 feet to its intersection with the south line of a platted utility easement; thence S86degrees40'30"W along said south line, 20.01 feet to the point of beginning.

Utility easement (south part)
That part of the utility easement platted in Lot 1, Blk A, MTA Addition to Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner of said Lot 1; thence S86degrees40'30"W along the north line thereof 227.77 feet; thence S10degrees36'24"E along the west said line of said utility easement, 362.85 feet; thence S05degrees43'37"W along the west line of said utility easement, 204.90 feet for a point of beginning, being a point on the south line of a platted utility easement; thence S05degrees43'37"W along the west line of a platted utility easement, 217.60 feet to its intersection with the north line of a platted utility easement; thence N90degrees00'00"E along said north line, 20.01 feet to its intersection with the east line of a platted utility easement; thence N05degrees43'37" along said east line, 217.58 feet to its intersection with the south line of a platted utility easement; thence S86degrees40'30"W along said line, 20.01 feet to the point of beginning.

Platted 35-ft setback running parallel to McLean Blvd on the east side of the MTA Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located southwest of the Harry St W – McLean Blvd S intersection.

REASON FOR REQUEST: The applicant proposes to redevelop the property

CURRENT ZONING: Subject property is zoned LI Limited Industrial (north 2/3) and SF-5 Single-Family Residential (south 1/3). Property to the north is zoned LI Limited Industrial. Property to

the west is zoned LI Limited Industrial, GO General Office and SF-1 Single Family Residential. Property to the south is public ROW, with property to the southwest SF-5 Single Family Residential. The subject property has frontage on McLean Blvd to the east, with the Arkansas River east of that.

The applicant is requesting the vacation of the 20-foot platted sewer easement and the 35-ft platted setback, located on the MTA Addition, per the legal description. The applicant proposes further development on the property with the construction of an approximately 4,000 sqft facility and an addition to an existing facility the will add another approximately 1,225 sqft to it. There is a sanitary sewer line in the easement. Both the new facility and the addition onto the existing facility will encroach onto the easement. The addition to the existing facility will encroach into the 35-ft building setback line and the applicant is requesting vacation of 10-ft of the setback; new setback will be 25-ft. The Planning Staff recommends vacation of that portion of the 35-ft setback, to 25-ft where the encroachment occurs. Current Zoning setbacks for LI Limited Industrial is 20-ft and for SF-5 25-ft.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time January 3, 2002, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the utility easement and the platted setback, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner(s), the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of utility easement and platted setback described in the petition should be approved subject to the following conditions:
1. Dedicate the current easement as a temporary easement until the sewer line is relocated.
 2. Dedicate, by separate instrument, a utility easement to cover the relocated sewer line.
 3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 4. All improvements shall be according to City Standards.
 5. Vacate that portion of the platted 35-ft setback, to 25-ft where the encroachment occurs.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions

1. Dedicate the current easement as a temporary easement until the sewer line is relocated.
2. Dedicate, by separate instrument, a utility easement to cover the relocated sewer line.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
4. All improvements shall be according to City Standards
5. Vacate that portion of the platted 35-ft setback, to 25-ft where the encroachment occurs.

MOTION: To approve, subject to staff comments and findings in their report.

JOHNSON moved, **COULTER** seconded them motion, and it carried 13-0.

5. **CON2001-00071** – Bonanza Inc., c/o Jack Hunt (owner); Enterprise Rent-A-Car c/o Kritsin Pate (applicant) request a Conditional Use for outdoor vehicle and equipment sales, on property described as:

Lots 5 through 11, inclusive, Block 2, Beverley Manor, Sedgwick County, Kansas. Generally located south of Kellogg and west of Edgemoor (5401 E. Kellogg).

BACKGROUND: The applicant is requesting a Conditional Use to allow a rental car business on a 0.42 acre platted tract zoned "LC" Limited Commercial and located south of Kellogg and west of Edgemoor (5401 E. Kellogg). A rental car business is defined by the Unified Zoning Code as "outdoor vehicle and equipment sales," which requires a Conditional Use when located in the "LC" district. The subject property is the proposed new location of the Enterprise Rent-A-Car that is currently located at 7300 E. Kellogg and needs to relocate due to the expansion of the Kellogg freeway.

The character of the neighborhood is that of regional commercial and institutional uses along the Kellogg freeway, including numerous vehicle sales lots within one-half mile both east and west of the site along Kellogg. The zoning of the property to the north across Kellogg is "GO" General Office, and the property is developed with the Veteran's Administration hospital. The zoning of the properties to the south across the alley is "TF-3" Two-Family Residential, and the properties are developed with duplexes. The zoning of the property to the east is "LC" Limited Commercial, and the property is developed with a vehicle repair shop. The zoning of the property to the west across Beverly is "LC" Limited Commercial, and the property is developed with a tuxedo rental shop.

The applicant submitted the two attached site plans. The first site plan is entitled "Conditional Use Existing Conditions" and shows the property as it is currently developed. The second site plan is entitled "Conditional Use Site Plan" and shows the proposed use of the subject property.

The applicant proposes to redevelop the subject property by demolishing approximately 4,900 square feet of existing retail space and leaving 2,400 square feet of office space for the rental car business in the existing building. A 5,950 square foot lot for the storage of rental cars is proposed to be located east of the rental car office, and a 19 space parking lot is proposed to be located west of the rental car office. One access drive to Beverly is proposed to be closed, and an access drive to Kellogg Drive and another access drive to the alley are proposed to be added. A landscaped street yard is proposed to be added along the north property line. A solid screening fence for a portion of the south property line is proposed to replace an existing chain link fence. The applicant is requesting a waiver of the buffer landscaping requirement along the south property line.

To limit the impact of the proposal and to bring the proposal into compliance with existing regulations, planning staff recommends conditions of approval regarding access, screening, lighting, landscaping, and signage. These conditions are described in detail in the "Recommendation" section of this report.

CASE HISTORY: The property is platted as part of the Beverly Manor Addition, which was recorded September 19, 1929.

ADJACENT ZONING AND LAND USE:

NORTH:	"GO"	Veteran's Administration Hospital
SOUTH:	"TF-3"	Duplexes
EAST:	"LC"	Vehicle repair shop
WEST:	"LC"	Tuxedo rental shop

PUBLIC SERVICES: This site has access to Kellogg Drive, a one-way, two-lane access road to the Kellogg freeway, and Beverly, a paved, local street. There is no traffic volume data available for Kellogg Drive or Beverly. Traffic volumes on the Kellogg freeway at this location are currently approximately 44,000 vehicles per day, and the 2030 Transportation Plan estimates the traffic volumes will increase to approximately 90,000 vehicles per day. Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto sales lots should be guided to areas containing similar uses, and away from neighborhood commercial areas.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. All requirements of Section III.D.6.x. of the Unified Zoning Code (attached) shall be met.
2. The proposed western-most access drives to Kellogg Drive and the alley shall not be permitted and shall be removed from the revised site plan. Access drives shall be limited to those shown on the approved site plan.
3. A solid screening fence shall be provided along the entire length of the southern property line except where the building is located on the property line. A gate is permitted in the solid screening fence, but it shall remain closed unless in use.
4. Light poles shall be limited to a height of 14 feet, and the location of light poles shall be shown on the revised site plan.
5. The buffer landscaping requirement shall not be waived as requested; rather, the buffer landscaping requirement shall be reduced to two shade trees (or the equivalent), which shall be provided within 15 feet of the south property line and west of the rental car office. No buffer landscaping shall be required east of the rental car office.
6. Sufficient spacing shall be provided between trees in the landscaped street yard to ensure that they grow to maturity. Trees shall be spaced apart a minimum distance equal to the mature spread of the species planted. Three shade trees (or the equivalent) shall be provided in the landscaped street yard.
7. The location of the trash receptacle and the method of screening it in conformance with the requirements of the Unified Zoning Code shall be shown on the revised site plan.
8. Ground-mounted signage for the subject property shall be limited to the re-use of the existing sign on the property on January 24, 2002, or to a new sign limited to the size and height of the existing sign or the size and height permitted by

the sign code, whichever is less. The location, size, and height of ground-mounted signage shall be shown on the revised site plan.

9. A revised site plan reflecting the conditions of approval shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
10. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval the revised site plan by the Planning Director.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. Any violation of the conditions of approval shall render the Conditional Use null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is that of regional commercial and institutional uses along the Kellogg freeway, including numerous vehicle sales lots within one-half mile both east and west of the site along Kellogg. Zoning along the south side of the Kellogg frontage in this neighborhood is "LC" Limited Commercial. The proposed rental car facility is consistent with the commercial zoning, vehicle sales uses, and regional-serving character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The property is developed with retail space and is apparently suitable for the commercial uses to which it has been restricted. Outdoor vehicle and equipment sales uses may be permitted in the "LC" district with a Conditional Use and should be guided to areas, such as the location of the subject property, where similar uses exist.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code; the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance; and the recommended conditions of approval should limit noise, lighting, and other activity from adversely impacting residential areas to the south and should ensure attractive and orderly redevelopment along a major community thoroughfare.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. This site is located along Kellogg, and the recommended conditions of approval have provisions which limit noise, lighting, and other adverse impacts. The Commercial Locational Guidelines also recommend that auto sales lots should be guided to areas containing similar uses, and away from neighborhood commercial areas. This site is located along Kellogg in an area where auto sales uses already exist and commercial enterprises are regional serving.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities if the requested additional access drives along Kellogg Drive and the alley are not permitted. If the requested additional access drives are permitted, the City Traffic Engineer indicates that traffic hazards would be created due to insufficient separation among access drives and street openings.

KNEBEL Planning staff presented the staff report and indicated Planning Staff recommended approval. Access and screening are included in the recommended conditions. Staff has agreed to a revised site plan. Condition number 2 will be changed to eliminate the proposed eastern-most access. Condition number 3 will be changed to a maximum 136 square feet of signage.

Commissioners asked questions dealing with: trash receptacles; use of outdoor speakers and if rentals as well as sales would be permitted?

GREG FERRIS, agent for applicant, indicated agreement with staff recommendations.

MOTION: To approve, citing the findings in the staff report subject to the following conditions:

1. All requirements of Section III.D.6.x. of the Unified Zoning Code (attached) shall be met.
2. Access drives shall be limited to those shown on the approved site plan.
3. A gate is permitted in the solid screening fence along the south property line, but it shall remain closed unless in use.
4. Light poles shall be limited to a height of 14 feet, and limited the locations shown on the approved site plan.
5. The buffer landscaping requirement shall not be waived as requested; rather, the buffer landscaping requirement shall be reduced to two shade trees (or the equivalent), which shall be provided within 15

feet of the south property line and west of the rental car office. No buffer landscaping shall be required east of the rental car office.

7. Sufficient spacing shall be provided between trees in the landscaped street yard to ensure that they grow to maturity. Trees shall be spaced apart a minimum distance equal to the mature spread of the species planted. Three shade trees (or the equivalent) shall be provided in the landscaped street yard.
8. The location of the trash receptacle and the method of screening it in conformance with the requirements of the Unified Zoning Code shall be shown on the revised site plan.
9. Ground-mounted signage for the subject property shall be limited to a maximum area of 136 square feet, a maximum height of 20 feet, and the location shown on the approved site plan.
10. A revised site plan reflecting the conditions of approval shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
11. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval the revised site plan by the Planning Director.
12. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
13. Any violation of the conditions of approval shall render the Conditional Use null and void.

BARFIELD moved, **BISHOP** seconded the motion, and it carried 13-0.

6. **CON2001-00066** – Bob and Anna Haley (owners); Verizon Wireless LLC c/o Nancy Fulks (applicant); Communication Equipment Specialists, Inc., c/o Teresa Edwards (agent) request a Conditional use for a wireless communication facility, on property described as:

A tract in the Southeast Quarter of Section 17, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as commencing at the Southeast corner of said Southeast Quarter; thence along the East line of said Southeast Quarter east a bearing of North 00 degrees 02'51" West, 1046.50 feet; thence South 89 degrees 57'09" West, 377.00 feet for a point of beginning; thence continuing South 89 degrees 57'09" West, 75 feet; thence North 00 degrees 02'51" West, 75 feet; thence North 89 degrees 57'09" East, 75 feet; thence South 00 degrees 02'51" East, 75 feet to the Point of Beginning. Generally located North of 101st Street North and west of Broadway.

BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 150-foot high monopole tower (see attached "Tower Elevation") for use by Verizon Wireless LLC. The proposed site is zoned "RR" Rural Residential. Wireless Communication Facilities over 65 feet in height in the "RR" Rural Residential zoning district may be permitted with a Conditional Use.

The proposed tower would be sited on a 5,625 square foot area located 1,000 feet north of 101st Street North and 310 feet west of Broadway. Access to the site is proposed via an existing gravel drive. The applicant's site plan (see attached "Overall Site Plan") depicts a 73-foot by 73-foot fenced compound with the tower shown in the center of the compound and the initial ground-level equipment shown in the eastern portion of the compound. The compound is shown as being enclosed by a six-foot high chain link fence. Screening of the equipment compound is not required by the Unified Zoning Code since the equipment compound is located more than 150 feet from the property lines.

The applicant indicates (see attached memo and propagation plots) that the proposed wireless communication is needed for Verizon Wireless to provide improved wireless telephone coverage in Valley Center and along I-135. The applicant indicates they attempted to locate their antennas on a water tower located approximately one mile to the east; however, Rural Water District #2 would not grant permission to locate the antennas on the water tower.

The character of the surrounding area is rural, with most of the property in the vicinity used for agriculture. The owner's house and farm buildings are located to the east on the parent tract of the subject property. With the exception of a mobile home park located approximately 1/3 of a mile to the west that is zoned "GC" General Commercial, all property surrounding the site is zoned "RR" Rural Residential. The nearest residence not owned by the applicant is located approximately 500 feet southeast of the site across Broadway. The owner of this residence has indicated in writing (see attached letter) that he has no objections to the proposed location of the tower.

CASE HISTORY: The Valley Center Planning Commission approved a request for a 150-foot high monopole tower located further south and east on the parent tract on June 18, 2001. The MAPC approved the same request on June 21, 2001. The owner of the residence across Broadway filed a protest petition, and the applicant subsequently withdrew the application. The applicant worked with the owner of the residence across Broadway to select a more suitable location for the tower and has filed an new application for a location further north and west on the parent tract.

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Agriculture
SOUTH: "RR" Agriculture
EAST: "RR" Farm-related residence
WEST: "RR" Agriculture

PUBLIC SERVICES: No municipally supplied public services are required. The site has access to Broadway, a four-lane County arterial street.

CONFORMANCE TO PLANS/POLICIES: The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Location Guidelines of the Wireless Communication Master Plan indicate that new facilities should be located: 1) on multi-story buildings or other structures; 2) on existing poles in street rights-of-way, parking lots, or athletic fields; 3) on existing towers for personal wireless services, AM/FM radio, television, school district microwave antennas, and private dispatch systems; 4) in wooded areas; 5) on identified city and county properties; or 6) on highway light standards, sign structures, and electrical support structures. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area; 2) minimize the height, mass, or proportion; 3) minimize the silhouette; 4) use colors, textures, and materials that blend in with the existing environment; 5) be concealed or disguised as a flagpole, clock tower, or church steeple; 6) be placed in areas where trees and/or buildings obscure some or all of the facility; 7) be placed on walls or roofs of buildings; 8) be screened through landscaping, walls, and/or fencing; and 9) not use strobe lighting. The Unified Zoning Code requires wireless communication facilities to comply with a compatibility height standard of one foot of setback for each foot of structure height from adjoining properties zoned "TF-3" or more restrictive. This compatibility height standard can be reduced or waived through a Conditional Use or a Zoning Adjustment.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall be 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
- E. The support structure and its foundation shall be designed and constructed in such a manner that permits future height extensions to 190 feet and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
- G. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- I. Any violation of the conditions of approval shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is rural, with most of the property in the vicinity used for agriculture. With the exception of a mobile home park located approximately 1/3 of a mile to the west that is zoned "GC" General Commercial, all property surrounding the site is zoned "RR" Rural Residential. The proposed wireless communication facility is consistent with the agriculture character and uses of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and is used for agriculture. Wireless communication facilities in excess of 65 feet in height in the "RR" Rural Residential zoning district may be permitted as a Conditional Use, which should be subject to conditions of approval that maintain conformance with the Location/Design Guidelines of the Wireless Communication Master Plan.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is currently developed with a farm-related residence and associated farm buildings. The closest developed property not owned by the applicant is a single-family residence located approximately 500 feet to the southeast across Broadway. The only impact to be noted at the time this report was prepared is the visual impact of a tower, and the visual impact should be reduced by locating the tower behind the applicant's residence, which will partially screen the tower from view from the neighboring property to the southeast.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility conforms to the Location Guidelines of the Wireless Communication Master Plan since there are no other towers or tall structures in the vicinity of the site which are available to accommodate the communication needs of the applicant. The proposed wireless communication facility conforms to the Design Guidelines of the Wireless Communication Master Plan by minimizing the height, mass, proportion, and silhouette of the facility through its monopole

design; by utilizing an unobtrusive color with a matte finish to minimize glare; and by being partially screen the tower from view by existing buildings. The proposed wireless communication facility complies with the compatibility height standard of the Uniform Zoning Code since it is located more than 150 feet from the nearest lot line of property zoned "TF-3" or more restrictive.

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed monopole does not detrimentally impact the operation of airports in the vicinity.

KNEBEL, Planning Staff presented the staff report. He indicated that the Valley Center Planning Commission had expressed concerns about aircraft traffic and wanted a red flashing light on top of the tower, due to ultra light planes flying in the vicinity.

TERESA EDWARDS, agent, noted she was in agreement with staff.

MOTION: To approve subject to staff comments and citing the findings in their report.

HENTZEN moved, **BLAKE** seconded the motion and it carried 13-0. (see final vote below)

GAROFALO Asked for a clarification on the Valley Center condition, did that include the light?

KNEBEL Indicated the light would be added.

MARNELL Stated he wanted to change his vote to a negative one if that was the case.

HENTZEN Noted the reason he accepted it was he thought Valley Center approved the condition.

MARNELL Aircraft are not supposed to be anywhere near that altitude. This condition of a light is just something added; it is not required by the FAA and is not necessary and is at the applicant's expense.

BARFIELD Noted Planning Staff recommended the condition.

MICHAELIS Asked the motion maker if he wanted to leave the motion the way it is?

HENTZEN Yes.

KROUT Remarked that staff did incorporate the condition of Valley Center.

MICHAELIS indicated that Marnell wanted his voted changed and indicated the record to reflect Marnell's negative vote on the motion requiring a light.

MOTION: To approve, citing the findings in the staff report, subject to the following conditions:

12-1 (**MARNELL** opposed)

1. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
2. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
3. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
4. The support structure shall be 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
5. The support structure and its foundation shall be designed and constructed in such a manner that permits future height extensions to 190 feet and future loading expansions to accommodate communication equipment for at least four wireless service providers.
6. A red, non-strobe aircraft warning light shall be mounted at the top of the support structure and shall be in operation at all times.
7. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
8. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
9. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

10. Any violation of the conditions of approval shall render the Conditional Use null and void.

7. **CUP2001-00046 DP-239** – 13th Avenue Partners, LLC c/o Bill Warren (owner); Spangenberg Phillips Architecture c/o Brad Teeter (agent) request to amend DP-239 The Gateway Center C.U.P. to increase wall signage on Parcel 12-A, on property described as:

A tract of land in Lot 12, Block 1, The Gateway Center Addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Lot 12; thence S 00 degrees 15'27" West along the East line of said Lot 12 a distance of 33.74 feet; thence South 10 degrees 23'27" East along said East line a distance of 519.23 feet; thence South 24 degrees 13'41" East along said East line a distance of 647.04 feet to the Southeast corner of said Lot 12; thence South 89 degrees 06'02" West along the South line of said Lot 12 a distance of 915.53 feet; thence North 01 degree 03'27" West a distance of 443.78 feet; thence North 40 degrees 21'03" West a distance of 174.93 feet; thence North 01 degree 03'27" West a distance of 561.14 feet to a point on the South line of Lot 10, Block 1, of said Addition; thence North 89 degrees 06'02" East along the South line of said Lot 10 extended a distance of 688.29 feet to the point of beginning. Generally located southwest corner of 13th Street North and K-96.

BACKGROUND: The applicant is requesting that the size of wall signage on Parcel 12-A for the Warren Northeast Theatre be increased to allow one wall sign approximately 464 square feet and one wall sign approximately 1,003 square feet on both the north and east elevations of the building. The larger sign would be a changeable reader board listing shows currently playing at the theater. The other sign would have individual channel letters ("WARREN") and be located immediately over the reader board sign. It would be approximately 40 feet in height.

Parcel 12-A is 20.65 acres in size. Allowable maximum building coverage is 30 percent and maximum gross floor area is 35 percent. Building height is 80 feet.

The Warren Northeast Theatre is under construction on the application area. The remainder of DP-239 is vacant. The adjacent tract on the south is vacant. Preston Trails Subdivision is located beyond the vacant tract. The property on the northeast corner of 13th and Greenwich is vacant, but was approved for DP-224 Dillons 13th and Greenwich C.U.P. Chapel Hill United Methodist Church plans to build upon the site that is located west of K-96 and directly north of the application area. The property west of Greenwich was approved as DP-254 Kiser C.U.P for commercial use. Raytheon is west of this tract, with the runway being nearby.

CASE HISTORY: DP-239 The Gateway Center C.U.P. was approved in March 17, 1999. The application area was platted as The Gateway Center Addition on March 6, 1999.

Amendment #1, approved by MAPC on September 21, 2000, added outdoor recreation and entertainment uses and permitted private clubs and drinking establishments within 60 feet of the south property line when contained within a multi-screen theater complex. No outdoor recreation or outdoor food and drink was allowed within 200 feet of the south property line.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Vacant (commercial and church site)
	"SF-5" Single-Family	
SOUTH:	"SF-5" Single-Family	Vacant
	"TF-3" Two-Family	
EAST:	"LC" Limited Commercial	K-96, church, single-family residential
	"SF-5" Single-Family	
WEST:	"LC" Limited Commercial	Vacant

PUBLIC SERVICES:

The site has access to 13th Street North, a six-lane arterial, and Greenwich, a two-lane arterial. Traffic volumes on 13th Street north are approximately 5,700 vehicles per day and are projected to increase to approximately 17,500 ADTs in the 2030 Transportation Plan. Traffic volumes on Greenwich are approximately 3,500 vehicles per day and are project to increase to approximately 16,500 ADTs in 2030. These estimates do not include the projected increases due to development of The Gateway Center, which could generate up to 23,600 vehicles per day. Transportation improvements were included in the C.U.P to handle the projected traffic increases based on the projected uses in a traffic study prepared for the original application.

Normal municipal services are available.

CONFORMANCE TO PLANS/POLICIES:

The Wichita Land Use Guide of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area for "commercial" use.

The Wichita Sign Code allows up to three building signs on each building elevation having a street frontage or fronting onto a parking area with a depth of 150 feet or more, with these signs not exceeding 400 square feet or 20 percent of the building elevation and with a height not more than thirty feet above grade.

RECOMMENDATION:

The proposed wall signage for the Warren Northeast Theatre is greater than would be desired for typical retail commercial developments. The requested signage also exceeds the 400 square foot maximum wall size slightly for the channel letter sign and significantly for the reader board sign, and exceeds the height maximum by approximately 10 feet. However, the signage is not out of scale with the 60-foot tall building entrance, or 400+ foot long building wall. The signage contributes to the overall effect, which is meant to evoke the memory of historic theaters of the early 20th century.

Based on these factors, Staff recommends the amendment be APPROVED subject to the following conditions:

1. If a third wall sign is installed on the east elevation, it shall be limited to no more than 60 square feet in size and 30 feet in height. No additional wall signs shall be permitted on the north elevation and no freestanding signs shall be permitted on K-96 for the purposes of advertising the theatre complex.
2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
4. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by MAPC, or the Governing Body, if required, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property to the north, south and west is vacant. K-96 abuts the site on the east. A residential development zoned "SF-5" Single-Family, White Tail Addition, is located east of K-96. Two small commercial parcels, zoned "LC" Limited Commercial, adjoin the application area. The property north of 13th Street is the future site of Chapel Hill United Methodist Church. The property to the south is vacant but zoned for residential use; the next tract to the south is being developed with residences, (Preston Trails). The property to the west and northwest is zoned "LC" for additional commercial development (remainder of DP-239, plus DP-221 and DP-254). The Raytheon property is located approximately one-fourth mile to the west.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed in conformance to the existing C.U.P. plan.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The amendment will increase the brightness of the theatre for properties situated to the east of K-96 and north of 13th Street North. This will be mitigated somewhat by the depth of the right-of-way separating the uses to the east of K-96. The right-of-way varies in width from 500 feet on the south to 800 feet on the north. The sign also would be expected to increase brightness for the church site to the north, but the commercial parcels along 13th Street North buffer the church site.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The proposed amendment exceeds the Wichita Sign Code for the size and height of wall signs in the "LC" district. The elimination of pole signage for the theater on K-96, the limitation in size and height of the third wall sign on the east elevation, and the elimination of a third wall sign on the north elevation partially compensates for the excess size of the marquee sign.
5. Impact of the proposed development on community facilities: The impact of the expanded signage on additional traffic is difficult to gauge. The theatre will be located on this site regardless of the signage and most of the traffic generation should be independent of this amendment.

GOLTRY Planning Staff presented the staff report and showed slides. Staff recommended approval of the request. There are conditions on the wall signage. She believed that the Commissioners received four communications from the White Tail residents that are at the commissioners' desks.

Commissioners asked questions about: how the building was to be sited on the lot; which way the building was going to face; if any of the signs would face the neighborhood; had the DAB reviewed the application and what kind of land uses surround the property.

BRAD TEETER, agent, indicated the building is a large building. The signage contributes to the overall effect, which is meant to evoke the memory of historic theaters of the early 20th century. He had a problem with condition number one, noting they would be giving up two signs. He also noted agreement with other staff recommendations. The Warren Theater will be a good neighbor. They will keep a clean site and have a great reputation.

BARFIELD Asked if they made any revisions to sign height on the Warren West?

TEETER Yes. On the backlit portion.

BARFIELD What about the concession that the neighbors are asking? Have you talked to the neighbors?

TEETER I have had one question from one owner.

GAROFALO Is this a taller building then the one out west?

TEETER 15 to 20 feet taller.

GAROFALO You knew what the signage was when this was approved? Why do you want the larger sign?

TEETER Originally the owner was concerned about the look of the building and the front of the building. They wanted it to look like the early 20th Century time period.

RON OLBERG, 1235 Brackeen Court, stated they welcome the Warren Theatre to their neighborhood. The building faces to the northeast. The homes that back up to K-96, they look at the highway in their backyard. The front of the building already has the places for the signs on the front of the building the way they want them and have already built the thing. I am opposed to this application. I think we will be setting a precedent. I am a business owner out west and there are signs that have been turned down before. My house is the same grade as where this theatre sits. I will be seeing the building and any signs that are lighted. I don't want these big signs. Other commercial developments, they go by the sign code.

BARFIELD I have to agree with the speaker. This will set a precedence to the other people who build out there.

MOTION: To deny the request.

BARFIELD moved, **BLAKE** seconded the motion.

SUBSTITUTE MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **WARNER** seconded the motion.

BISHOP Wished we had the DAB comments before we decide.

GAROFALO A question regarding the recommendation? It says the building is not out of scale.

KROUT This is a unique building type and a landmark for the area. This will be a regional highway site.

SUBSTITUTE MOTION: carried to approve the request 10-3. (**GAROFALO, BLAKE and BARFIELD** opposed)

8. **ZON2001-00066** – Ralph M. & Cheryl M. Shaver (owners); Frank M. Ojle, Attorney at Law (agent) request a Zone Change from "SF-5" Single-Family Residential and right-of-way to "GC" General Commercial on property described as:

That part of Government Lot 5, in Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at a point 600 feet West of the Southeast corner of said Lot 5, thence West along the South line of said Lot 5, for a distance of 102 feet to a point, thence North parallel with the East line of said Lot 5, to a point on the right bank (South bank) of the Arkansas River, thence Southeasterly along the right bank of the Arkansas River to a point due North of the point of beginning, thence South approximately 866 feet to the point of beginning.

AND

A tract of land in the Government Lot 5 of Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Southeast corner of said Lot, thence on an assumed bearing of South 89degrees 38'00" W, 727.00 feet along the South line of said Lot; thence North 02 degrees 26'36" East, 65.08 feet to the point of beginning; thence North 02degrees 26'36" East, 436.96 feet; thence South 23 degrees 37'33" West, 338.21'; thence South 07 degrees 09'18" West, 128.55 feet to the North right of way line of existing MacArthur Road; thence North 89 degrees 38'00" East, 132.93 feet along said right of way line to the place of beginning. Generally located north of MacArthur and east of I-135 (1002 E. MacArthur).

BACKGROUND: The subject property is located north of MacArthur and east of I-135 at 1002 E. MacArthur. The subject property contains a 1.33 acre unplatted tract that is zoned "SF-5" Single-Family Residential and a 1.04 acre unplatted tract that designated as right-of-way on the Official Zoning Map but is held in private ownership by the applicant.

The subject property is currently developed with a single-family residence as well as a vehicle storage yard and a self-service storage warehouse business. A review of aerial photographs indicates that the storage business was established on the property between 1977 and 1983 and steadily grew in scale and intensity until it reached its current status between 1992 and 1997.

Use of the subject property for a storage business is illegal under the property's current zoning; however, no complaints have been received by the Office of Central Inspection regarding the illegal use of the property. The applicant has requested "GC" General Commercial zoning, which is the first zoning district that permits both the vehicle storage yard and self-service storage warehouse uses of the property.

In addition to receiving "GC" General Commercial zoning, the applicant will need to comply with the screening standards of the Unified Zoning Code and the Landscape Ordinance requirements. The screening standards for outdoor storage areas require a decorative fence, evergreen vegetation, or landscaped earth berms where adjacent to a residential zoning district or public street right-of-way. For the subject property, screening would be required along the south and west property lines. Since I-135 is elevated at this location, a decorative fence or landscaped earth berms along the west property line will not screen the outside storage area from view from I-135; therefore, planning staff recommends a Protective Overlay to require screening along the west property line to

be provided by evergreen vegetation. The Landscape Ordinance requires a landscaped street yard along arterial streets. For the subject property, a 20-foot deep yard landscaped with 11 shade trees (or the equivalent) would be required along MacArthur.

The character of the surrounding area is mixed with commercial uses to the east, a manufactured home park to the south, and major barriers to the north (Arkansas River) and west (I-135). The property east of the site is zoned "GC" General Commercial and is developed with a self-service storage warehouse and a body shop. The property south the site across MacArthur is zoned "LC" Limited Commercial and "MH" Manufactured Housing and is developed with a manufactured home park with remaining vacant land currently marketed for commercial development.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	Right-of-way	Arkansas River
EAST:	"GC"	Self-service storage warehouse; body shop
SOUTH:	"MH" & "LC"	Manufactured home park; vacant commercial
WEST:	Right-of-way	I-135

PUBLIC SERVICES: Public sanitary sewer and water service are currently available to this location. The site has access to MacArthur, a five-lane arterial street. Current traffic volumes on MacArthur are approximately 14,000 vehicles per day. The 2030 Transportation Plan projects that traffic on MacArthur will increase to approximately 17,000 vehicles per day.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "commercial" development. The Commercial Locational Guidelines recommend that commercial sites should be located adjacent to arterial streets and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, subject to platting within one year and subject to the following provision of a Protective Overlay District:

1. Screening along the west property line adjacent to the I-135 right-of-way shall be provided in the form of evergreen vegetation. The evergreen vegetation shall be planted and maintained in accordance with a landscape plan approved by the Planning Director and shall consist of plant materials that, at maturity, provide a solid hedge of evergreen vegetation with a minimum height of 30 feet.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Adjacent properties are zoned "LC" Limited Commercial, "GC", General Commercial and "MH" Manufactured Housing. The character and uses on surrounding sites are commercial, including storage uses, and medium-density residential. Storage uses on the subject property are consistent with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential, which does not permit storage uses. Vehicle storage yards are first permitted in the "GC" General Commercial zoning district. Given the site's proximity to existing storage uses and the I-135 expressway and the higher-density of adjacent residential uses, it is not likely that the site would redevelop with single-family residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the subject property is separated by a major barriers to the north (Arkansas River) and west (I-135) from lower intensity uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "commercial" development. The subject property conforms to the Locational Guidelines regarding commercial development.
5. Impact of the proposed development on community facilities: No negative impacts on community facilities were identified at the time this report was prepared.

KNEBEL Planning staff presented the staff report.

KIM EDGINGTON and **FRANK OJILE** agents, indicated they are not opposed to screening. KDOT won't allow some of the trees on the right-of-way. Staff wants us to comply with the landscape ordinance and we will have to work with any conflicts that happen within the right-of-way. Mr. Shaver has never been cited by OCI. We want to remove the Protective Overlay requirement for the evergreen screening on the applicant's property.

Commissioners asked questions about: what had been approved previously; what was the City Council's action when they heard the request; why the planning commission was re-hearing the case; if it was a legal use; minimum code required screening requirements and the cost of providing screening?

Commissioner expressed opinions as to how effective screening would be in this location; the importance of screening this site; if other sites in the vicinity were screened and the need to work with both KDOT and the applicant.

MOTION: To approve, citing the findings in the staff report, and subject to the following provisions of Protective Overlay:

Screening along the west property line abutting the I-135 right-of-way shall be provided in the form of evergreen vegetation and may be planted on the abutting I-135 right-of-way. The evergreen vegetation shall be planted and maintained in accordance with a landscape plan approved by the Planning Director and shall consist of plant materials that, at maturity, provide a solid hedge of evergreen vegetation with a minimum height of 30 feet. For the portion of the abutting I-135 right-of-way where the State will not permit the planting of evergreen vegetation, a solid screening fence a minimum of 6 feet in height shall be provided along the west property line or the evergreen vegetation shall be planted on the subject property.

BISHOP moved, **BLAKE** seconded the motion, and it carried 13-0.

9. **DR2002-04** - City of Park City Annexation

MOTION: To find the annexation is in conformance with the Comprehensive Plan.

MCKAY moved, **GAROFALO** seconded the motion, and it carried 13-0.

10. **Discussion Regarding MAPC Retreat**

GAROFALO wanted to discuss the Westside Commercial Development Policy, the CIP review process and enforcement of illegal car sales lots.

WARREN wanted to leave 30 minutes unscheduled for anybody to bring up anything they want to discuss. I want to talk more about our right and our justification of the traffic light situation.

BISHOP wanted to discuss improved public information and outreach to neighbors.

The Metropolitan Area Planning Department informally adjourned at 3:00 p.m.

State of Kansas)
Sedgwick County) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)